IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1829 OF 2006

Nandakini, wife of Jayesh Balsara — Petitioner
vs.
Union of India & anr. — Respondents

Mr.Manish Mistry i/b.M/s.M.P.Vashi & Associates for the petitioner.

Mr.R.C.Master for the respondents 1 and 2.

Mr.K.R.Belosey, AGP for the respondent no.3.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 22nd September, 2006

P.C.

The petitioner has prayed in the present writ petition that her passport No.E-3102236 issued on 23.8.2002 which is valid upto 22.8.2012 be amended and the date of birth be corrected as 13.5.1958 instead of 13.10.1961.

2. The petitioner has averred that through a bonafide mistake her date of birth has been shown as 13.5.1961 instead of 13.10.1961. She was born at Mumbai and she has in her possession a certificate of birth issued by Brihanmumbai Municipal Corporation showing the correct date of birth as 13.10.1961. The said entry was made under Section 17 of the Registration of Births and Deaths Act, 1969. As the mistake therefore reflected in

the passport, the petitioner, requested the respondents to correct the same. However, the Officer refused to correct, for want of a Court order.

3. The respondents have filed an affidavit. There is no such bar pointed out in the said affidavit that the authority cannot correct the date of birth in the passport. On the contrary, as per the circular dated 18.4.2001, a civil order from a Competent Court, certifying the valid date of birth/place of birth need to be obtained by the parties.

4. The reliance has been placed on **J.H.Shah vs. Union of India, 2001(1) Mh.L.J. 483,** wherein a Division Bench of this Court has directed the Passport Authority to hold an enquiry in the matter; and after hearing the parties and in case the Passport Authority satisfies with regard to the claim put forthwith by the parties, the necessary changes be made in the Passport already issued.

5. After considering the facts of the present case and the judgement in J.H.Shah (supra), we are of the view that the Respondents-Authority should hold an enquiry by itself and/or through the Police Agency and after hearing the petitioner and subject to their satisfaction, a necessary change be made in regard to

the date of birth. The matter be disposed of within a reasonable time without delay.

6. With the above observation, petition stands disposed of accordingly. No order as to costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)